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Patent Application Number: 10/163,688

Attorney Docket Number: A2489-US-NP

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Date

March 13, 2006

[Signature]
Michael J. Nickerson, Reg. # 33,265

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: R. Enrique VITURRO et al.

GROUP: 2863

SERIAL NO: 10/673,688

EXAMINER: J. Le

FILED: September 29, 2003

CONFIRMATION: 1300

**FOR: A METHOD FOR CALIBRATING A MARKING SYSTEM TO
MAINTAIN COLOR OUTPUT CONSISTENCY ACROSS
MULTIPLE PRINTERS**

**Mail Stop: PETITIONS
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450**

Sir:

EXPEDITED CONSIDERATION REQUESTED

**PETITION TO INVOKE THE COMMISSIONER'S SUPERVISORY
AUTHORITY UNDER 37 C.F.R. 1.181**

The Applicant respectfully requests the Honorable Commissioner of Patents to invoke the Honorable Commissioner's supervisory authority under 37 C.F.R. 1.181 and require the Office of Petitions to address the Petition filed under 37 C.F.R. 1.137(b), dated November 1, 2005, and issue a Decision immediately.

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Statement of Facts

1. On June 9, 2005, the Examiner issued a Notice of Allowance for the above-identified application.
2. On June 15, 2005, the Applicant submitted the Issue Fee transmittal form with the appropriate fees.
3. On September 20, 2005, after the payment of the Issue Fee and after the final date to pay such an Issue Fee, the Publishing Division issued a Notice of Drawing Inconsistency with Specification asking the Applicant to correct an informality in the specification.
4. On September 26, 2005, the Applicant filed an Amendment correcting the informality in the specification as requested by the Publishing Division.
5. On October 27, 2005, the Examiner issued a Communication denying entry of the amendments filed on September 26, 2005, indicating that the Amendment of September 26, 2005 failed to be accompanied by a Petition under 37 C.F.R. 1.313(c)(1).
6. On November 1, 2005, the Applicants filed a Petition respectfully petitioning the Honorable Commissioner, under 37 C.F.R. 1.181, to invoke the Commissioner's supervisory authority and instruct the Examiner to immediately enter the amendments filed on September 26, 2005.
7. Subsequent thereto, the Applicants have called the Group and Supervisor Patent Examiner to determine the status of the Petition dated November 1, 2005 and have not, to date, received a Decision thereto.

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REMARKS

As noted above, the above-identified application was allowed on June 9, 2005. To expedite the issuance of the patentable claims of the above-identified application, the Applicant submitted the Issue Fee transmittal form with the appropriate fees on June 15, 2005.

After the payment of the Issue Fee and after the final date to pay such an Issue Fee (September 9, 2005), the Publishing Division issued a Notice of Drawing Inconsistency with Specification asking the Applicant to correct an informality in the specification.

Thereafter, as noted above, the Applicant filed an Amendment correcting the informality in the specification as requested by the Publishing Division on September 26, 2005.

In response to the Applicant's Amendment, the Examiner issued a Communication denying entry of the amendments filed on September 26, 2005, indicating that the Amendment of September 26, 2005 failed to be accompanied by a Petition under 37 C.F.R. 1.313(c)(1).

On November 1, 2005, the Applicant filed a Petition under 37 C.F.R. 1.181 requesting entry of the amendments filed on September 26, 2005.

It has been over four months since the filing of the Petition, and the Applicant's Representative has not received a Decision on the Petition filed November 1, 2005.

It is respectfully submitted that it should not take over four months to issue a Decision on the Petition.

Therefore, the Applicant respectfully requests the Honorable Commissioner of Patents to invoke the Honorable Commissioner's supervisory authority under 37 C.F.R. 1.181 and require the Office of Petitions to address the Petition filed under 37 C.F.R. 1.181, dated November 1, 2005, and issue a Decision immediately.

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The Honorable Commissioner is respectfully encouraged to contact the undersigned to discuss the circumstances warranting this Petition.

Accordingly, in view of all the reasons set forth above, the Honorable Commissioner is respectfully requested to invoke the Honorable Commissioner's supervisory authority under 37 C.F.R. 1.181 and require the Office of Petitions to address the Petition filed under 37 C.F.R. 1.181, dated November 1, 2005, and issue a Decision immediately.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Nickerson", is written over a horizontal line.

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MJN/mjn